



# LAPORTE COUNTY BOARD OF ZONING APPEALS

Government Complex 5th Level  
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**ANNEMARIE POLAN**  
Building Commissioner

September 15<sup>th</sup>, 2020

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **September 15<sup>th</sup>, 2020, at 6:00 p.m.** in the Assembly Room of the County Complex.

MEMBERS PRESENT:      Melissa Mullins Mischke      Earl Cunningham  
                                 Dwayne Hogan      Glen Minich  
                                 Greg Szybala

PRESENT:      Annemarie Polan, Recording Secretary, Attorney Doug Biege; Ashley Kazmucha, Secretary

The Pledge of Allegiance.

## **APPROVAL OF MINUTES:**

Melissa Mullins Mischke asked for approval of the meeting minutes of August 18<sup>th</sup>, 2020.

Dwayne Hogan made a motion to approve the meeting minutes of August 18<sup>th</sup>, 2020 as presented.

Glen Minich seconded.

All Approved. Motion passed 5-0.

## **Petitions:**

**2. Petition for Special Exception for Daniel Versaw** to operate a sand mining business. The property is located between 666 and 998 E. 1000 N., LaPorte, IN., Galena Twp., zoned A on a combined 40 acres. Parcels 46-03-18-200-002.000-048(20 acres), 46-03-18-200-003.000-048(10 acres), and 46-03-18-200-004.000-048(10 acres).

Melissa Mullins Mischke stated Petition 2 tonight is Special Exception for the property between 666 and 998 E. 1000 N., LaPorte, IN. Petition 2 will be postponed. There is insufficient information.

Attorney Biege stated there are two reasons why it will be postponed. First, the petitioner was not supplied with all of the adjacent property owners. Not everyone received notice and they

should have. Secondly, for any mining petition, the applicant has to provide certain soil scientist reports, erosion control plans, mining plan, revegetation plan, etc. Those were not supplied yet. He may not have known about them, but he suggested they remove the petition from the agenda rather than hold it over to allow the petitioner to get these materials together. They should be submitted when the petition is filed.

Melissa Mullins Mischke stated they will remove Petition 2 from the agenda. If you are here for Petition 2, we will not be hearing it this evening.

Glen Minich made a motion to remove the Petition for Special Exception for Daniel Versaw to operate a sand mining business from the agenda. The property is located between 666 and 998 E. 1000 N., LaPorte, IN., Galena Twp., zoned A on a combined 40 acres. Parcels 46-03-18-200-002.000-048(20 acres), 46-03-18-200-003.000-048(10 acres), and 46-03-18-200-004.000-048(10 acres).

Earl Cunningham seconded.

All Approved. Motion passed 5-0.

**1. Petition for Variance of Developmental Standards for James and Pamela**

**Glasgow** for construction of a residence on a parcel without two hundred feet (200') of road frontage, landlocked, and using a portion of the existing driveway and making another driveway off the existing driveway. The property is located southeast of 7719 S. Sand Rd., Union Mills, IN., Noble Twp., zoned R1B on 4.5 acres. Parcel 46-14-08-401-016.000-056

Attorney Biege stated notice is adequate.

James Glasgow stated his address is 7719 S. Sand Rd., Union Mills, IN.

Kaylee Glasgow stated her address is 6102 S. State Road 39, LaPorte, IN.

James Glasgow stated he bought nine (9) acres thirty (30) years ago to build his house on. Later, he purchased the four and a half (4 ½) acres next to him. It does not have any road frontage. He would like permission for his son's family to build a home there. In order to do that, they would put a driveway across his horse pasture to his driveway and share his driveway.

Melissa Mullins Mischke asked if the property was landlocked when he purchased it.

James Glasgow stated yes.

Dwayne Hogan stated there is no frontage at all.

James Glasgow stated that is correct.

No remonstrators present.

Earl Cunningham stated the property is so well taken care of that he would assume the son would take care of the property as his father has. It will not run down the neighborhood. There are no remonstrators which speaks highly of the fact that the property is so well kept. It is a beautiful parcel. In light of the fact that the four and a half (4 ½) acres is landlocked, the driveway will be shared which may be a problem later on when they sell, but everybody will be aware of it. Also, the parcels could be combined for sale and some people like two homes on one parcel for in-laws. He will not oppose this.

Glen Minich stated the plan is not to sell the property. It will be separate. They will have to get an easement.

Melissa Mullins Mischke stated they are not going to give an easement. That is not a part of what they are going to do tonight.

Earl Cunningham stated if they were to sell in the future, but right now it is a family complex. It will remain that way for quite some time, correct?

Kaylee Glasgow stated that is the hope. They have children and hopefully it will stay in the family.

Dwayne Hogan made a motion to approve the Petition for Variance of Developmental Standards for James and Pamela Glasgow for construction of a residence on a parcel without two hundred feet (200') of road frontage, landlocked, and using a portion of the existing driveway and making another driveway off the existing driveway. The property is located southeast of 7719 S. Sand Rd., Union Mills, IN., Noble Twp., zoned R1B on 4.5 acres. Parcel 46-14-08-401-016.000-056

Earl Cunningham seconded.

All Approved. Motion passed 5-0.

**3. Petition for Variance of Use for William and Lorraine Hall** for a staging/transfer station for campers, with no more than twelve (12) campers at any one time. The property is located at 6601 W. Johnson Rd., LaPorte, IN., Coolspring Twp., zoned R1B on 2.5 acres. Parcel 46-05-13-128-007.000-046.

Attorney Biege stated notice is adequate.

William Hall stated his address is 6601 W. Johnson Rd., LaPorte, IN.

Melissa Mullins Mischke stated he already has some campers there.

William Hall stated yes. He has been doing it for over a year and now all of a sudden it has become a problem.

Melissa Mullins Mischke stated he is transporting campers from one location to another.

William Hall stated he picks them up in Elkhart or Middlebury and at the end of the month he is given so many campers and he brings them there temporarily.

Melissa Mullins Mischke asked how long do the campers stay there?

William Hall stated three-four a week are removed.

Melissa Mullins Mischke asked how many at a maximum are there at one time?

William Hall stated twelve (12). Sometimes there are short campers and he will get more of those.

Melissa Mullins Mischke asked what the longest period of time one could be there?

William Hall stated three-four (3 – 4) weeks max. Three and a half (3 ½) weeks most likely because during that last week they take a couple days to pull out the campers.

Dwayne Hogan asked if then a new batch would be brought in.

William Hall stated he will go and bring in a new batch for the month. Currently, it's the middle of the month and there are three (3) campers there now. One (1) is leaving tonight and then there will be two (2) until he gets another batch of them. It depends on how people order them and when he receives them and moves them out.

Earl Cunningham stated he is referring to "he". Who is he?

William Hall stated his son. His son hauls the campers and his wife and himself sometimes help.

Melissa Mullins Mischke stated there is a letter of remonstrance that she will read into the record from Dennis and Mary Pahs at 6591 W. Johnson Rd., LaPorte, IN. *"As property owners adjacent to Mr. and Mrs. Hall and as neighbors using a shared driveway, we are opposed to the variance request. We are concerned that the increased use of the gravel private road used by heavy duty trucks, used to haul camper trailer, and the heavy trailers will cause excessive damage to the shared drive causing increased wear and potential damage to our own personal vehicles and to the vehicles of the other residents on the same shared drive. We also feel that the Board granting this variance may open the door for other business ventures in this normally quiet residential neighborhood."*

William Hall stated the neighbors he spoke to in front of him, Randy Ungerank and Al Parnell, and they have no problem with it. The lady up on the hill has no problem with it. All of a sudden it became a problem, but they didn't have a problem when in the fall people bring in boats and campers for the winter. All the road involved in all of this isn't owned by himself or Mr. Pahs. They have easements to get in on this roadway. Since he has lived there over thirty (30) years, he has brought in rock numerous times for the road maintenance. It has been maintained and taken care of. The last thirty-five (35) years that he has been there, there have been two (2) loads of

rock brought in by other people besides himself, Mr. Ungerank, and Mr. Parnell. He is unsure why they are concerned about the driveway and being on their property when their property isn't involved in it.

**Remonstrators:**

Dennis Pahs stated his address is 6591 W. Johnson Rd., LaPorte, IN.

Dennis Pahs stated he wrote the letter. He doesn't want to make it personal, but the maintenance on the driveway is lacking at best. There was another person living at the end of that driveway. He inherited the property approximately twenty (20) years ago from his parents. He has brought in stone to fix the driveway. The other three residents that use the driveway refuse to help because he has been plowing the majority. Mr. Hall was the only other resident that he was aware of that maintained it. He is surprised that he is the only one present because he spoke to three other neighbors that were vehemently opposed to this happening.

Earl Cunningham asked who plows the driveway.

Dennis Pahs stated it has been a shared effort between himself and he stopped plowing part of the driveway from Mr. Hall's out to Johnson Road just to make a point. As far as maintaining the driveway since they use it and live on it. He plows from his property down to the bottom of the hill. The elderly people in the back he used to plow to.

Earl Cunningham asked who it plowing it from Mr. Hall's property to Johnson Road at this time.

Dennis Pahs stated he is not sure. He thinks it may be Mr. Ungerank.

Melissa Mullins Mischke stated this is why she doesn't like shared drives.

Melissa Mullins Mischke asked what time of day will the trailer be moved.

William Hall stated during the day, he will get the campers and bring them back. As far as leaving, they remove any time, night or day. From his property to Mr. Pahs' property, there is a line of thirty-foot (30') pine trees. As far as coming in and coming out, he mostly delivers during the day and goes out mostly during the night. As for plowing, he and Mr. Ungerank plow the bottom and keep it clean. Dennis does the top part. The guy in the back takes care of his.

Dwayne Hogan made a motion to approve the Petition for Variance of Use for William and Lorraine Hall for a staging/transfer station for campers, with no more than twelve (12) campers at any one time. The property is located at 6601 W. Johnson Rd., LaPorte, IN., Coolspring Twp., zoned R1B on 2.5 acres. Parcel 46-05-13-128-007.000-046.

Earl Cunningham seconded.

Motion Fails. Denied 3-2.

Melissa Mullins Mischke stated he has fifteen (15) days to remove the existing trailers.

**4. Petition for Variance of Use for Portage Farms LLC** to operate an events center year-round with approximately three buildings. The property is located across from 9252 N. 600 E., Rolling Prairie, IN., Hudson Twp., zoned A on 48.98 combined acres. Parcel 46-04-18-300-006.000-050 (34.92 acres) and 46-04-18-300-005.000-050 (14.01 acres).

Attorney Biege stated there is not an affidavit of publication so this should be set over for next month. Announce the date so he does not have re-notice certified mail.

Melissa Mullins Mischke stated Petition 4 will be postponed until the October 20<sup>th</sup> meeting.

**5. Petition for Variance of Developmental Standards for Jerry and Denise Johnson** to build a garage addition with a five-foot (5') side setback instead of the minimum required ten feet (10'). The property is located at 645 Waverly Rd., LaPorte, IN., Center Twp., zoned R1B. Parcel 46-06-27-351-003.000-042.

Attorney Biege stated notice is adequate.

Jerry and Denise Johnson stated their address is 645 Waverly Rd., LaPorte, IN.

Jerry Johnson stated the existing garage is a one (1) car garage. They want to expand that by using the current line and extending it out twenty feet (20') and then over twenty-four feet (24') so they can have a two (2) car garage in addition to the one (1) that is already there.

Melissa Mullins Mischke stated that will give them five feet (5').

Jerry Johnson stated the current setback is five feet (5'). They are just extending it.

No remonstrators present.

Glen Minich stated he is normally not a fan of these variances for side or front setbacks, but in this case, he sees the need for extra garage space and it will not change the situation as it is.

Melissa Mullins Mischke agreed.

Earl Cunningham stated the aerial of the property shows the neighboring home very close to the line. He agreed with Glen Minich.

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for Jerry and Denise Johnson to build a garage addition with a five-foot (5') side setback instead of the minimum required ten feet (10'). The property is located at 645 Waverly Rd., LaPorte, IN., Center Twp., zoned R1B. Parcel 46-06-27-351-003.000-042.

Earl Cunningham seconded.

All approved. Motion passed 5-0.

**6. Petition for Variance of Use for Amador Acosta (owner) and William Scott (renter)** to operate a recycling center with a four-foot by eight-foot (4' x 8') sign. The property is located at 5606 S. Hwy 421, Westville, IN., New Durham Twp., zoned B2 on 3.1158 acres. Parcel 46-09-32-400-009.000-027.

Attorney Biege stated on notice he has certified mail receipts, but they do not say who they went to. There are six (6) receipts and six (6) proposed recipients. Affidavit by publication is adequate. It is up to the Board's discretion if they want to hear the petition.

Glen Minich asked Annemarie Polan if this petition was born from a complaint.

Annemarie Polan stated there is not a complaint in the file, but they did receive information from IDEM about the property and they have problems with it.

Attorney Biege stated those issues are unresolved. There is a current fine pending in the amount of \$8,750 that has been assessed and the property is still not cleaned up. He represents the Solid Waste District and he is familiar with this situation.

Earl Cunningham asked if the six (6) receipts are for the six (6) adjoining land owners.

William Scott stated yes.

Earl Cunningham stated they should hear the case if it can be verified.

Dwayne Hogan and Greg Szybala agreed.

Melissa Mullins Mischke stated anything they do is contingent on verification.

William Scott asked what he would have to bring in for verification.

Attorney Biege stated the cards that he mailed. When you send something certified mail, they sign it, and the green card comes back to you in the mail.

William Scott asked where would the card come back to.

Attorney Biege stated it would come back to you if you put a return address on it.

William Scott stated he needs to check his mailbox. He never gets mail there so he didn't check it.

Melissa Mullins Mischke stated they will hear the petition contingent on verification of the mailing.



William Scott stated his residence is in Kouts, IN. The property he rents is 5606 S. Hwy 421, Westville, IN.

Melissa Mullins Mischke asked what type of things he recycles.

William Scott stated he owns a company called Catalytic Exchange. Ideally, they deal in automotive cores. The reason that AutoZone has an alternator on their shelf to sell you is people like him that collect them from repair shops and junk yard. They sell them to supply houses that supply rebuilders and so on. Ideally, all of his stuff is done elsewhere; he goes to the businesses. He needs storage space. He originally rented the building for storage. He does not deal with the public or anything like that. He collects car. He buys cars. He has cars. It became a problem. He has gotten rid of seventy-five (75) cars since filing for the variance. There are more to get rid of. The plan is to open a recycling center where people can drive into the building, unload their recyclables, and drive out all indoors. Recycling centers lack in the area and the current ones are swamped. That is his plan. He would open a recycling centre because it's the business he's already in.

Melissa Mullins Mischke asked if the parcel is grass; are the vehicles parked on grass?

William Scott stated no. The front easement is grass and a little past the fence by about six to eight feet (6' – 8') is glass as well. Then it is gravel. He maintains the grass. The border of the fence line is grass.

Melissa Mullins Mischke asked what kind of recyclable will he take at this busines that they wouldn't take at Paul's Auto Yard?

William Scott stated he would take brass and copper, but they plan to take cardboard, glass bottles, and plastic bottles. They would pay for them. It's not big money.

Melissa Mullins Mischke asked what the hours of operation would be?

William Scott stated probably eight to five (8 am – 5 pm) and later hours may be available in the summer as people work until five (5 pm). Open Monday through Saturday; closed on Sunday.

### **Remonstrators:**

Ty Murray stated he owns the adjacent property with his two sisters, Theresa Swanson and Tammy St. Germain. When they were sent notice, received September 2<sup>nd</sup>, the property was just sold to his niece Kristine Swanson, Theresa's daughter. He is painting a nice picture here. He is sure Mr. Biege is aware that they have hazardous waste dumped in the back. There are large amounts in the back that they have pictures of. It has been added to in the last couple of weeks; he has before and after pictures. It is all e-waste. It's mercury laden and it's on the ground. There are probably at least six to eight (6 – 8) dump truck sized loads of the e-waste. There are tv's computer screens, printers, etc. He has been in contact with Jennifer Reno, the enforcement case manager with IDEM in Indianapolis. He thought she knew everything that was going on, but had no idea that there were cars there. He has never registered for this. He would have to have waste



water runoff. He is backing into this business backwards. It is not good for property values or his niece who is planning to raise a family there. They would not like to have mercury in their drinking water. That would be devastating. There is not just a handful of cars. He has been taking cars from the front and putting them in the back along with all the e-waste. There are around fifty (50) cars in front of the fence. He was told by the County to stop taking in scrap and they did not. They still answer their phones and are taking scrap. He has signed for this petition for a variance along with the owner, Amador Acosta. He spoke with the family today at 4:30 pm, they are Hispanic and have no idea what he is trying to accomplish. They were led to believe that the paper that they signed with him for this variance was proof that he rented from them. They had no idea that they signed for a variance.

David Smith of Smith Ready Mix stated they are located at 5638 S. Hwy 421, Westville, IN.

David Smith stated they have the concrete plant directly to the west. They have a substantial investment in that plant. They do maintain it. They are concerned about driving in and out of their property and having a recycling center in front of them. It could have outside storage of who knows what. As for appearance sake, he can't speak to any runoff or anything like that. They have one driveway going back. They are concerned about increased traffic in that area there. They maintain their property very well and they are heavily invested in the community. They don't want something to negatively affect them or the surrounding properties.

Wendy Hass stated she is the owner of Bed & Biscuit Pet Resort, which is directly across the road at 5701 S. Hwy 421, Westville, IN. Her name or address will not be linked to any mailings that he sent by certified mail because she did not receive one. She only found out about the variance Friday afternoon.

Melissa Mullins Mischke stated technically because you are across the street of 421 from him, you are not an adjoining property owner.

Wendy Hass stated right, but according to the ordinance those directly across from the property should receive notice. Aside from that, she is concerned about potential health and environmental issues.

*Note: Wendy Hass is NOT an adjoining property owner as her property is not across from nor diagonally across where the property corners would line up with 5606 S. Hwy 421, Westville, IN.*

Theresa Swanson stated she has photos for the Board. She also has copies of screenshots from Facebook of his business stating the address next to the home they sold to her daughter. The page indicated the hours of operation as being always open.

Melissa Mullins Mischke asked Attorney Biege for information that one of the remonstrators claimed that the County had asked him to stop recycling.

Attorney Biege stated he does not know what the County said, but he knows what IDEM said. He assumes there is an ownership and renter arrangement. The owner has still not cleaned up and responded to IDEM. There is a fine out there for \$8,750. He represents Solid Waste District.

Solid Waste District still has some waste on that site because they have to move it to the new contractor. They don't have the personnel to do it. They have about two to three (2 – 3) semi loads left to get out of there which they are working on. Solid Waste has paid their fine and followed the rules. The fact remains, there is an owner and it was supposed to be an electronics recycling center, but did not recycle for whatever reason. They kept letting it pile up. The fine is not only against the owner, but the previous renter and the opinion is that the owner did not follow up and make sure the rules were followed. Solid Waste District was fined and there is still hazardous waste on the property.

Melissa Mullins Mischke asked Attorney Biege what the procedure is with IDEM. How long do they wait until additional notification and taking action?

Attorney Biege stated he is not an expert in this area. IDEM will send a fine and a notice to clean up. Then they will send a proposed agreed order. Most people will sign the order, pay the fine, clean up the property and they are done. The owner has not responded at all. He would presume that IDEM will take additional measures. It's not just Solid Waste refuse that is there; there is other stuff. He assumes that IDEM will take further action in the future.

Greg Szybala asked how long he has rented the property.

William Scott stated since February 2019.

Glen Minich asked if the e-waste was there when he started renting the property.

William Scott stated that came from a sub-renter that had a contract with the County to handle this e-waste. The e-waste was taken from one (1) location and brought there because he had to vacate that property. The contract was up and the building sold. He moved stuff to his spot and did not get rid of it like he should have and the County did not check him like they should have. Clay Turner at the LaPorte Solid Waste comes out every morning with a crew to load up another semi. They picked up one (1) semi load today. He was brought an empty trailer; they unloaded the pallets that they recycle with. They load the stuff up. It's his problem, but he did not cause this problem. He has people helping him clean this up. There has not been any electronics brought to that property since Frank, who had the contract, was let go. That was months ago. They are on an effort to clean this up. The County was coming out and cleaning up this mess. It was delayed due to Covid. He made the phone calls to get the County back out there and get the ball rolling. Clay will verify all of this. Tomorrow morning, he will load another semi with his equipment. He is doing whatever he can to get this done. There is no reason why he would want this there. He is the one that is paying the rent on the property and he can't use it. As far as the electronics that are there, he met with Republic Waste on behalf of the County so he could show them what needed to be done. Republic Waste wants him to hire employees for them to handle this. Republic, as of this morning, has not responded back with an offer to take care of cleaning this up. He is in contact with Clay all the time trying to get this mess taken care of.

Melissa Mullins Mischke stated it is not just electronic waste.

William Scott stated no, there are cars there too.

Melissa Mullins Mischke asked where the cars came from?

William Scott stated from him.

Melissa Mullins Mischke asked if there was any oil or fluid drainage.

William Scott stated no, he is very cautious about that. He doesn't want to be Paul's. When somebody drops off an old refrigerator there, you will be standing in half a foot ( $\frac{1}{2}$ ') of water or more. That is a scrap yard. He does not want to be like that. He has gotten rid of seventy-five (75) cars since he was notified that they wanted him to open. He has a sign out front that says he buys junk cars, but buys junk cars. He goes to the people's house and picks it up. They are not bringing it in. When they talked about dump truck sized loads of e-waste, no. His Facebook page business is for Catalytic Exchange. It is a business.

Melissa Mullins Mischke asked if that is the business that operates at that location.

William Scott stated that location is for storage of what he buys. The recyclables that he buys, he picks them up and brings them there.

Melissa Mullins Mischke asked if he has any outside people coming to that location at any time?

William Scott stated no. He has friends that stop by all the time to visit, but it is not a business as of yet. He is trying to turn it into a regular recycling center.

Melissa Mullins Mischke asked how it is not a business if there is a Facebook page advertising that you are always open and accepting. Is that a business? Do you agree that there is an exchange of goods?

William Scott stated Catalytic Exchange isn't a business. If he owned a plumbing company, people won't come to his warehouse for him to fix plumbing.

Melissa Mullins Mischke stated that doesn't change the fact that it is still operating as a business.

William Scott stated it is operating as a storage.

Melissa Mullins Mischke stated a storage that is always open.

William Scott stated he had to put something. He is Catalytic Exchange. It's a weird business that he goes out and picks up stuff. He is not the recycling center where people bring stuff in. He goes out to a junk yard and picks stuff up. He goes out to a muffler shop or repair shop and he picks up stuff. He puts them in boxes and they go up on shelves in the warehouse.

Melissa Mullins Mischke stated she is hesitant to approve a petition for continued recycling when there are outstanding issues with IDEM at the property. That is her concern. Are you in contact with the owner of the property?

William Scott stated yes.

Melissa Mullins Mischke asked if they are aware of the findings from IDEM.

William Scott stated yes, he is on Frank and the County to get this taken care of. It is a slow process. That mess didn't happen over night and it will not disappear overnight unless there is more help from the County.

Attorney Biege stated to be clear it is not the County; it is Solid Waste District. They are two different distinct government entities. Solid Waste paid for a service that was not provided in removing those. They will pay again to have these items disposed of. The owner is receiving rent and has not paid fines from IDEM. That should factor into your decision.

Earl Cunningham made a motion to deny the Petition for Variance of Use for Amador Acosta (owner) and William Scott (renter) to operate a recycling center with a four-foot by eight-foot (4' x 8') sign. The property is located at 5606 S. Hwy 421, Westville, IN., New Durham Twp., zoned B2 on 3.1158 acres. Parcel 46-09-32-400-009.000-027.

Greg Szybala seconded.

All Denied. Motion passes 5-0.

**7. Petition for Variance of Developmental Standards for Timothy L. Sr. and Deanna L. Schwizer** for temporary placement of a shipping container and a second accessory structure pool and a third accessory pole barn (will remove shipping container upon completion). The property is located at 1967 E. 150 N., LaPorte, IN., Kankakee Twp., zoned R1B on 2.672 acres. Parcel 46-07-29-200-104.000-052.

Attorney Biege stated notice is adequate. Attorney Biege thanked Mr. Schwizer for printing the names with signatures. He can easily read them.

Deanna Schwizer stated her address is 1967 E. 150 N., LaPorte, IN.

Melissa Mullins Mischke asked why the need for the storage container.

Deanna Schwizer stated they have a land mower that they can't store in the winter. There are things she uses in the summertime and they need storage space until they can build the pole barn.

Melissa Mullins Mischke asked if it would store construction materials in addition to lawn stuff.

Deanna Schwizer stated they will store kayaks and stuff that she cannot store outside in the weather.

Melissa Mullins Mischke asked how long do they think it will take to build the pole barn.

Deanna Schwizer stated she is hoping next year. That is the plan.

Melissa Mullins Mischke asked if next year they will get started or that it will be completed?

Deanna Schwizer stated that it will be completed next year.

Earl Cunningham stated that the petition clearly states that the container will be removed upon completion.

Greg Szybala asked if that is the container that already exists at the back of the property.

Deanna Schwizer stated yes.

No remonstrators present.

Melissa Mullins Mischke stated this property is far back and the period is less than a year. They are being assured that it will be removed when construction is completed.

Dwayne Hogan asked what size the pole barn will be?

Deanna Schwizer stated she is not sure, her husband staked it off.

Dwayne Hogan stated so it is big enough.

Glen Minich stated they like more information when giving a variance for a structure such as size.

Attorney Biege stated they are just doing the shipping container; temporary placement of the shipping container, that's it.

Annemarie Polan stated the accessory structures too.

Glen Minich stated a second accessory being a pool and a third accessory pole barn.

Annemarie Polan stated if the setbacks and the height are not a problem and not a part of the variance, it is a moot point.

Glen Minich stated you are right. If it was in a dense more subdivided area it would be more of an issue, but it is set back off the road. They are not asking for excessive height. As long as it's not excessively big.

Melissa Mullins Mischke stated that is relative to Dwayne Hogan's idea of how large a garage should be.

Earl Cunningham stated he enjoys his position that allows him to get out all over the County and visit properties. 95% of the properties they see are pretty well kept. This property is neat and

clean. He enjoys that there are so many well-kept properties in the County. It's a very small percentage of them that make it bad for everybody.

Dwayne Hogans made a motion to approve the Petition for Variance of Developmental Standards for Timothy L. Sr. and Deanna L. Schwizer for temporary placement of a shipping container and a second accessory structure pool and a third accessory pole barn (will remove shipping container upon completion and be there no longer than one year). The property is located at 1967 E. 150 N., LaPorte, IN., Kankakee Twp., zoned R1B on 2.672 acres. Parcel 46-07-29-200-104.000-052.

Earl Cunningham seconded.

All approved. Motion passed 5-0.

**8. Petition for Variance of Developmental Standards for Nannette M. Spreck-Dvorak** for construction of a home with one-hundred thirty feet (130') of road frontage instead of the minimum two hundred feet (200') required. Current lot has two hundred feet (200') of frontage, but a portion will be separated and added to 3644 S. County Line Rd. as the portion contains their septic. The property is located across from 3644 S. County Line Rd., Westville, IN., New Durham Twp., zoned A on 2.55 acres. Parcel 46-09-19-301-014.000-072.

Attorney Biege stated notice is adequate.

Nannette Spreck-Dvorak and Charles Usher stated their address 3644 S. County Line Rd., Westville, IN.

Nannetta Spreck-Dvorak stated she lives on the lake side and the lake level rose too high this past spring and she got scared. Her small septic field was in jeopardy as of the flooding in spring. She moved it with Pavey Construction and Excavating up on the hill. It went close and under County Line Road to save her house. She now wants to build on the hill. She is sixty-five (65) and her current house is a four (4) bedroom. She works hard and she wants to do something smaller around twenty-five hundred square feet (2,500<sup>2</sup>'). The property is long. Mr. Pavey said there is enough room to build a nice, small ranch there. They will do whatever they need for excavating and septic. They are asking for a variance to build there and the part that the septic is on would go to the new owners of her house.

Melissa Mullins Mischke asked if she wants to split off.

Nannette Spreck-Dvorak stated it is on the side of her property on the high ground so that it would be face towards the high ground. It is a small area. It is a nice piece of land. She wants to build farther back because she doesn't want to be around people. After being on the lake her whole life, she would rather be on the other side. She built the house on the lake and it is quite nice.



Earl Cunningham state her septic will be on her property, but she is selling off the portion of the existing parcel because the old home has to have that septic system.

Nannette Spreck-Dvorak stated yes.

Glen Minich asked if she has to purchase that lot.

Nannette Spreck-Dvorak stated she did a long time ago because the lake is very sensitive.

Glen Minich stated it is nice that she was proactive to put the septic up there so it is not polluting the lake.

Nannette Spreck-Dvorak stated her grandfather owned all that property and told her to always buy high ground because the septic will always be a challenge.

Melissa Mullins Mischke asked how many acres are they intending to split off for further construction? They are not intending to keep two houses on one parcel, correct?

Nannette Spreck-Dvorak stated no.

Greg Szybala state the red area on the aerial is going to be dedicated to 3644 and the blue area will be the new parcel.

Nannette Spreck-Dvorak stated yes, anything in the red area is for the existing house.

Melissa Mullins Mischke asked how many acres that it?

Glen Minich stated it is one third ( $\frac{1}{3}$ ) acre.

Melissa Mullins Mischke stated she wants to make sure there is enough acreage left to build on.

Greg Szybala asked if she is asking about the larger parcel.

Melissa Mullins Mischke stated the smaller one.

Nannette Spreck-Dvorak stated she will place the house in the back.

Glen Minich stated the parcel is currently two point five (2.5) acres and while wind up being two point two (2.2) acres with the reduction of the septic field. There will be adequate space.

No remonstrators present.

Greg Szybala made a motion to approve the Petition for Variance of Developmental Standards for Nannette M. Spreck-Dvorak for construction of a home with one-hundred thirty feet (130') of road frontage instead of the minimum two hundred feet (200') required. Current lot has two hundred feet (200') of frontage, but a portion will be separated and added to 3644 S. County

Line Rd. as the portion contains their septic. The property is located across from 3644 S. County Line Rd., Westville, IN., New Durham Twp., zoned A on 2.55 acres. Parcel 46-09-19-301-014.000-072.

Glen Minich seconded

All approved. Motion passed 5-0.

**9. Petition for Variance of Use for Bernard and Linda Marie Mickevicius** to operate a Boat/RV storage business. The property is located at 10544 N. SR 39, LaPorte, IN., Springfield Twp., zoned B3 on 6.11 acres. Parcel 46-02-11-400-017.000-062.

Attorney Biege stated notice is adequate.

Bernard Mickevicius stated his address is 106 Warren Rd., Michigan City, IN.

Melissa Mullins Mischke stated he wants to operate an RV/Boat storage business.

Bernard Mickevicius stated that is correct. There are six point one (6.1) acres there.

Melissa Mullins Mischke asked how many boat/rv would be there at one time.

Bernard Mickevicius stated it is all open area right now and he plans to rent open area, but would like to build a building for indoor storage. The building would most likely be two hundred and thirty feet (230') long with a height of sixteen feet (16'). It will accommodate twenty-four (24) boats or RV's. That is still in the works as they are waiting on a survey so they can decide.

Earl Cunningham asked if the majority of the boats will be shrink wrapped?

Bernard Mickevicius stated yes.

Melissa Mullins Mischke stated it is a good location for something of this nature given its' proximity to New Buffalo and LaPorte.

Glen Minich stated it is catty-corner across the road is a huge boat storage.

Dwayne Hogan stated that with Covid-19 there are a lot of RV trailers being sold. At some point they will need to be stored when they are not being used.

No remonstrators present.

Bernard Mickevicius stated he is also trying to construct a billboard on that same property. He has a permit pending, but he is waiting on the survey for that as well.

Attorney Biege stated that he would have to get a separate variance for that as it is not advertised for the billboard.

Earl Cunningham stated he doubts that there will be trouble getting a billboard if the business is approved tonight. He is on a six (6) acre commercial property. It shouldn't be too difficult.

Greg Szybala stated I don't know. Just saying.

Dwayne Hogan made a motion to approve the Petition for Variance of Use for Bernard and Linda Marie Mickevicius to operate a Boat/RV storage business. The property is located at 10544 N. SR 39, LaPorte, IN., Springfield Twp., zoned B3 on 6.11 acres. Parcel 46-02-11-400-017.000-062.

Earl Cunningham seconded.

All approved. Motion passed 5-0.

**10. Petition for Variance of Developmental Standards for Worth and Pamila Anderson** for construction on a parcel with one hundred and twenty-five feet (125') of road frontage instead of the minimum two hundred feet (200') required; parcel will have ten (10) acres and be split from the parent parcel. The property is located between 3255 N. and 3307 N. 500 E., Rolling Prairie, IN., Wills Twp., zoned A on 38.1088 acres. Parcel 46-07-13-300-003.000-068.

Attorney Biege stated notice is adequate.

Pamila Anderson stated her address is 3307 N. 500 E., Rolling Prairie, IN.

Melissa Mullins Mischke stated they are going to split out acreage from the thirty-eight (38) acres and build a house on it.

Pamila Anderson stated they are not building that house. They are building a house north of that property. They will be building on parcel one (1). They have a potential buyer for parcel two (2) that they are asking the variance for. She couldn't sell it to her for construction purposes without knowing she would have a variance to be able to do it. She wants to build in the back portion of the field. They are building on the only frontage that is available to them.

Glen Minich asked who is she?

Pamila Anderson stated she is the prospected buyer.

Glen Minich stated this petition was brought to them within the last year.

Annemarie Polan stated this petition never made it to the Board according to Ashley Kazmucha.

Pamila Anderson stated they did not. It was not exactly the same petition.

Dwayne Hogan asked if it was the same property.

Pamila Anderson stated yes.

Glen Minich stated they had gone so far as to talk about why more couldn't be taken off because of the building that was there. It was brought to the Board.

Pamila Anderson stated they were going to build a property on that spot themselves and they were asking to build there on the frontage, but realized it was close to the house so they decided to build to the north side of the property. They tabled it because her husband became ill. He went through chemo for chronic leukemia. Now he has the beginning stages of dementia which is why they are moving out of the one house. It is so large he is not allowed to use equipment, drive, or use anything powered. He can't take care of the yard anymore. They are selling the house that they live in to their daughter and building on the only frontage that they have left. It will be a small house and put them next to their two daughters who can help with their father.

Melissa Mullins Mischke stated she can live with one hundred and twenty-five feet (125') of road frontage instead of what was there previously.

Pamila Anderson stated she will not be building a house on that frontage piece, but back in the field.

Glen Minich asked if there will be any access left to the crop field.

Pamila Anderson stated the access would come from their property. The property that they build their house on; that would be the access. The farmer that farms that ground also farms his brother-in-law's ground which surrounds her ground. They have access through the trees that divide that property. They have spoken to them about this. There would be enough access for a tractor to get through using their property.

Melissa Mullins Mischke stated the ten acres parcel two (2) will be split off so someone can potentially build there, but the potential buyer wants to build on the seventeen (17) acres behind that.

Glen Minich stated no, on the ten (10) acres.

Pamila Anderson stated there are seventeen (17) acres behind that parcel two (2) that they own and it has been farmed by the same farmer for over thirty (30) years. He has farmed theirs and their brother-in-law's. The person buying the seventeen (17) acres is purchasing the land on a land contract because it adjoins the other acreage that he farms.

Glen Minich asked Attorney Biege if they have to leave access to the parent parcel. When they split apart this parcel there will be no access to the seventeen (17) acres.

Attorney Biege stated they will be creating a landlocked parcel.

Pamila Anderson stated the access would be from the house that they build and they plan on keeping the rest of the acreage.

Attorney Biege stated Glen Minich's point is well taken, but the request for variance does not concern cutting that parcel off. She will have to argue that with Real Estate office when they try to record a deed. Their only request before the Board tonight is for the reduced road access.

Glen Minich stated the code requires that the parent parcel have access.

Attorney Biege stated that she doesn't have to ask the Board to split. That will be taken care of the Auditors and Real Estate office. They won't let her do it.

Pamila Anderson asked if they wouldn't let her do it.

Attorney Biege stated they won't let her create that seventeen (17) acre parcel because she is landlocking it.

Pamila Anderson stated they already told her she could.

Earl Cunningham stated she is selling it to a guy that has access to it already.

Pamila Anderson stated her brother-in-law is giving them access from his property.

Attorney Biege stated all they are talking about is road frontage. That is their only concern.

No remonstrators present.


Earl Cunningham made a motion to approve the Petition for Variance of Developmental Standards for Worth and Pamila Anderson for construction on a parcel with one hundred and twenty-five feet (125') of road frontage instead of the minimum two hundred feet (200') required; parcel will have ten (10) acres and be split from the parent parcel. The property is located between 3255 N. and 3307 N. 500 E., Rolling Prairie, IN., Wills Twp., zoned A on 38.1088 acres. Parcel 46-07-13-300-003.000-068.

Dwayne Hogan seconded.

Approved. Motion passed 4-1.

Melissa Mullins Mischke asked if there is any further business before the Board this evening.

There being no further business, meeting adjourned at 7:26 p.m.

  
Melissa Mullins Mischke, President

  
Annemarie Polan, Recording Secretary